

REMARKS

In response to the Office Action dated February 17, 2009, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-12 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully disagrees with this rejection. The Examiner cites to the machine-or-transformation test, which was articulated by the Court of Appeals for the Federal Circuit. In the case of *In re Bilski*, 545 F.3d 943, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008), the court discussed the nature of processed data as follows.

This data clearly represented physical and tangible objects, namely the structure of bones, organs, and other body tissues. Thus, the transformation of that raw data into a particular visual depiction of a physical object on a display was sufficient to render that more narrowly-claimed process patent-eligible. We further note for clarity that the electronic transformation of the data itself into a visual depiction in Abele was sufficient; the claim was not required to involve any transformation of the underlying physical object that the data represented.

In the present case, the data of claim 1 is related to physical and tangible objects. The data in claim 1 includes a contract entity having attributes of an agreement between a customer and a provider of a communications product; a product domain including a product entity having attributes of the communications product; a location domain including a location entity having attributes of a geographic location; an account receivables domain including an account entity having attributes of a customer account; a customer domain including a party entity having attributes of a party; a contract instance of said contract entity, a product instance of said product entity, a location instance of said location entity and an account instance of said account entity. These domains, entities and instances all relate to tangible objects.

Furthermore, claim 1 recites “generating views of product instances, the views including customer-oriented views, account-oriented views and location-oriented views, the product instances depicted in a space, the customer-oriented views, account-oriented views

and location-oriented views being depicted as regions in the space.” This is analogous to the “electronic transformation of the data itself into a visual depiction in Abele” that was sufficient to render the claim statutory. Thus, claim 1 does satisfy the machine-or-transformation test. Claim 7 is statutory for at least the reasons advanced with reference to claim 1. Thus, claims 1-12 satisfy the machine-or-transformation test for statutory subject matter. The rejection under 35 U.S.C. § 101 should be withdrawn.

Claims 1-12 were rejected under 35 U.S.C. § 103 as being unpatentable over Grundfest in view of Spencer. This rejection is traversed for the following reasons.

Claim 1 recites, “the cross-domain data model facilitating generation of views of product instances, the views including customer-oriented views, account-oriented views and location-oriented views, the product instances depicted in a space, the customer-oriented views, account-oriented views and location-oriented views being depicted as regions in the space.” The Examiner characterizes this element as “non-functional descriptive” language not entitled to patentable weight. Applicants take issue with this position for the followings reasons.

First, the views being depicted as regions in space is a functional element that allows users to understand the complex relationships between the product instances depicted in a space and the customer-oriented views, account-oriented views and location-oriented views being depicted as regions in the space. Without this type of view, the user would find it difficult to correlate the product instances to the various domains. These views are not similar to the music and literary works cited in MPEP § 2106.01 as being non-functional descriptive. In fact, the court in *Bilski* specifically noted precedent in which the presentation of data was sufficient to find a claim statutory. The court in *Bilski* stated “[t]hus, the transformation of that raw data into a particular visual depiction of a physical object on a display was sufficient to render that more narrowly-claimed process patent-eligible.” Thus, the presentation of the views are not non-functional descriptive material, but rather functional.

Further, Applicants are not aware of any authority that allows the Examiner to simply ignore claim elements in determining patentability over the prior art. The Examiner has raised the issue of whether the claim is statutory. The Examiner cannot also eviscerate

elements from the claim based on the same reasoning. MPEP § 2106 reads as follows.

Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping or sequence of musical notes read from memory and thereafter causes another defined series of notes to be played, requires a functional interrelationship among that data and the computing processes performed when utilizing that data. As such, a claim to that computer is statutory subject matter because it implements a statutory process

Even assuming, *arguendo*, that certain elements of claim 1 are non-functional descriptive, the Examiner must consider these elements in combination with the claim as a whole and cannot ignore the elements to conclude the claim obvious over the prior art.

Once claim 1 is properly interpreted, neither Grundfest nor Spencer teaches “generating views of product instances, the views including customer-oriented views, account-oriented views and location-oriented views, the product instances depicted in a space, the customer-oriented views, account-oriented views and location-oriented views being depicted as regions in the space.” As neither reference teaches this element, even if Grundfest and Spencer are combined the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Grundfest in view of Spencer. Claims 2-6 variously depend from claim 1 and are patentable over Grundfest in view of Spencer for at least the reasons advanced with reference to claim 1.

Claim 7 is patentable over Grundfest in view of Spencer for at least the reasons advanced with reference to claim 1. Claims 8-12 depend from claim 7 and are considered patentable for at least the same reasons.

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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